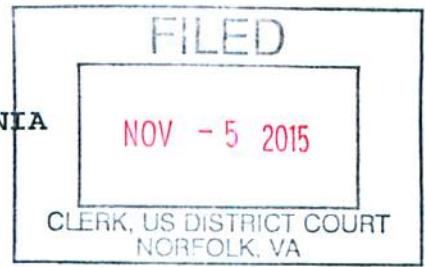


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



TERRY K. OFORI, #1165768,

Petitioner,

v.

ACTION NO. 2:15cv140

HAROLD W. CLARKE,
Director,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, has submitted a *pro se* petition, pursuant to 28 U.S.C. § 2254. ECF No. 1. The petition alleges violation of federal rights pertaining to Petitioner's disciplinary charge and conviction while in the custody of the Virginia Department of Corrections.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation, filed September 29, 2015, recommends that Respondent's Motion to Dismiss be GRANTED, and the petition for a writ of habeas corpus be DENIED and DISMISSED without prejudice to the pursuit of his claims pursuant to 42 U.S.C. § 1983.

Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Report and Recommendation, and the time for filing objections has expired.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that Respondent's Motion to Dismiss (ECF No. 11) is GRANTED, and the petition for a writ of habeas corpus (ECF No. 1) is DENIED and DISMISSED without prejudice to the pursuit of Petitioner's claims pursuant to 42 U.S.C. § 1983. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510,

within thirty days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

/s/

Rebecca Beach Smith

RBS

Chief Judge

Rebecca Beach Smith

CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
November 5, 2015